(Mst. Dai & Anr. Vs. Roopa Ram & Anr.)
S.B. CIVIL MISC. A. NO.1220/2006.

Date of order : 29.08.2006

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr. Amitabh Acharya, for the appellants.

Heard the learned counsel for the appellants.

The appellants are aggrieved against the order dated 2.9.2004 by which the appellants' injunction application stood dismissed.

The court below observed that the alleged sale deed was executed on 26.5.2000, the plaintiff filed the suit for cancellation of sale deed after three years and the matter was also taken up to Revenue Board by preferring Revision Petition No. 53/2002.

In view of the fact that for cancellation of sale deed suit was filed after three years or it is filed when the limitation was going to expire for filing suit and in view of the reason that the injunction was refused by the trial Court on 2.9.2004, the appellant did not pursue the appeal for long period of almost about two years, I do not find any reason to interfere in appellate jurisdiction in such a situation. The appeal of the appellant, is therefore, dismissed.

(PRAKASH TATIA), J.

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